

REMARKS

Introduction

Applicant notes with appreciation the Examiner's indication that claims 1-25 are allowed.

Upon entry of the foregoing amendment, claims 1-26 are pending in this application. Claim 26 has been amended, and no claims have been cancelled. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Rejection under 35 USC §102

Claim 26 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,265,869 to Morita. Applicant respectfully traverses this rejection for at least the reasons stated below.

At page 2, item 1 of the Final Office Action of March 24, 2006, the Examiner alleges that: "Figs. 1-2B [of Morita] show...a plurality of adjustable elastic members (13 and 13) arranged along lengths of the supporting plate (5) and the supporting bracket (including 7) therebetween to bias the supporting plate (5) and the supporting bracket (including 7) apart."

However, it is evident from FIG. 1 of Morita that the springs 13, on which the Examiner relies to allegedly read as "adjustable elastic members," are disposed at bent portions of outside ends of the guide plate 5 about bolts 5 that couple the bent portions of the outside ends of the guide plate 5 to a support plate 7. Since Morita's springs 13 are only disposed at the bent portions of the outside ends of the guide plate 5, the springs 13 are not arranged along a length of the guide plate 5. In other words, these springs 13 shown in FIG. 1 of Morita cannot be reasonably interpreted as being "arranged along lengths" of the guide plate 5, as recited in independent claim 26 of Applicant's invention. Thus, Morita's springs 13 are not that same as Applicant's "adjustable elastic members arranged along lengths of the supporting plate and the supporting bracket," and therefore, the Examiner's position is left unsupported. Accordingly, Applicants respectfully submit that Morita fails to disclose, among other things, "a plurality of

adjustable elastic members arranged along lengths of the supporting plate and the supporting bracket therebetween," as recited in independent claim 26 of Applicant's invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "The elements must be arranged as required by the claim..." In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Further, in the event that the Office Action is relying on the theory of inherency in any manner, "the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Accordingly, since the Morita reference does not explicitly or inherently disclose every element as recited in independent claim 26, this reference can not be properly used to reject claim 26 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 26 is allowable over the Morita reference, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Allowable Subject Matter

Claims 1-25 are allowed.

Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

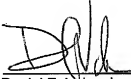
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

STANZIONE & KIM, LLP

Dated: May 24, 2006
919 18th St., NW, Suite 440
Washington, DC 20006
Telephone: (202) 775-1900
Facsimile: (202) 775-1901

By: 
Daniel E. Valencia
Registration No. 56,463